

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN  
DERAILMENT

)  
) CASE NO. 4:23CV0242  
)  
) JUDGE BENITA Y. PEARSON  
)  
) **ORDER**  
) [Resolving ECF No. [352](#) and [361](#)]

Pending is Defendant/Third-Party Defendant OxyVinyls LP's ("OxyVinyls") Renewed Unopposed Motion to Permit Representative to be Available by Telephone at February 9, 2024 Status Conference ([ECF No. 361](#)), filed on January 31, 2024.

On January 10, 2024, the Court reset the Status Conference and required that lead counsel of record, Named Plaintiffs, and party representatives with resolution authority for Defendants and Third-party Defendants participate in person in the Status Conference. *See* Order ([ECF No. 335](#)).

OxyVinyls responded by moving the Court to permit its representative with resolution authority be available by phone. [ECF No. 352](#). The Court ordered counsel to confer and try again to propose dates for resetting the Status Conference. After they had conferred again and reached mutual agreement on two proposed dates, the Court instructed that a joint motion to continue the in-person status conference may be filed on the docket. *See* Order ([ECF No. 353](#)).

In response, OxyVinyls renewed its request to have its representative with resolution authority be available by phone. This repeat response has caused the Court to become concerned that Defendant/Third-Party Defendant OxyVinyls and its counsel may be under the

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misapprehension that nothing of significance will occur at the Status Conference requiring in-person attendance of a representative with resolution authority. If this is the case, OxyVinyls and its counsel are mistaken. As importantly, the Court sets aside time for the Status Conference during which it is intentionally distracted from every other important matter pending on its docket and focuses solely on the matter at hand to minimize the litigation likely to continue.

Because each party's participation is important during the Court's first opportunity to interact with counsel and the parties in-person, the Court denies OxyVinyls' Renewed Unopposed Motion ([ECF No. 361](#)). A representative of OxyVinyls with resolution authority shall physically appear at the February 9, 2024 Status Conference. OxyVinyls' original Unopposed Motion ([ECF No. 352](#)) is denied as moot.

IT IS SO ORDERED.

February 1, 2024  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge